

REMARKS

Claim 1, 4-10, 13 and 14 remain in the application with claims 1 and 10 being independent.

Claims 1 and 4-9 are duplicates of claims allowed in corresponding European Application. Applicant's own prior art European Patent Publication 705356, referred to in the subject specification, and GB Patent 2256785 were cited by the European Patent Office. In applicants prior invention, the compressive shrinkage treatment of a normally "rigid" fabric is carried out as a first stage. Then, as a second stage, an interlining and/or interlining combination having inherent stretch is bonded to the fabric treated in the first stage. This is in marked contrast to the present invention, where the fabric bonded does not have inherent stretch; the stretch characteristic is imparted to it as the process is being carried out, as described on page 3, second and third full paragraphs. Thus, there are two important differences from the applicant's earlier publication, namely the simultaneous bonding and compressive shrinkage, and the use of an interlining fabric which does not initially have inherent stretch characteristics and which is, therefore, much cheaper than stretch interlining fabrics containing rubberised yarns.

Turning to GB 2256785 there is no compressive shrinkage of the rigid fabric - the process relies entirely on natural looseness in the weave. Moreover, the second fabric bonded to it does have shrinkage characteristics already and indeed the preferred interlining fabric (page 10, line 7) contains rubber threads, in contradiction to the method of the present invention.

Turning now to the Japanese Patent Publication 61-49838 (Kobari '838) it discloses adhesive sprayed to fabric to dry with application of a non-woven. The subject invention does not apply adhesive to a fusible sythetic interlining. The stretch is attained

by use of a compressive shrinking as distinguished from thermal shrinkage alone. The nonwoven referred to on Kobari '838 is not fusible. The subject invention requires the use of a fusible non-woven which, due to the nature of adhesive coating, renders for the fusible capacity for thermal shrinkage. The process of compressive shrinking forces the fusible interlining to compress, which would not occur in conventional laminating processes. Indeed, if a fusible non-woven were to be used in Kobari '838, it would not be effective because the non-woven would not shrink in the manner of the subject invention.

Furthermore, the secondary references do not make up for the differences in Kobari '838. Again, the subject process of compressive shrinking forces the fusible interlining to compress which does not occur in the conventional process disclosed in Borge '150.

Additionally, it would not have been obvious to one skilled in the art to tension the woven fabric.

The various teachings of the secondary references are picked out of context in response to applicant's claims, i.e., there is no suggestion in the references of how or why they would or could be combined.

The law is adequately set forth in the MPEP:

2143.03 All Claim Limitations Must Be Taught or Suggested [R-1]

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

2142 Legal Concept of *Prima Facie* Obviousness [R-1]

. . . The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness . . .

ESTABLISHING A *PRIMA FACIE* CASE OF OBVIOUSNESS

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not be based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §243 - §2143.03 for decisions pertinent to each of these criteria.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicant does not claim criticality only a better process for a particular choice of finished product. The subject art is highly developed and is advanced in small increments which are not to be confused with obviousness just because the advance appears small. In the end, the subject invention is not taught by the references and the rejection does not meet the standards of the MPEP, as quoted above.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is